THE HON'BLE MR JUSTICE B. PRAKASH RAO

AND

THE HON'BLE MR JUSTICE P. LAKSHMANA REDDY

WRIT APPEAL No.2049 of 2005

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JUDGMENT: (PER THE HONOURABLE BPR,J)

Heard Smt. P. Balarani, learned Standing Counsel appearing for the appellants and also Sri P.Venkateswarlu, learned counsel appearing for the respondent and at their request the main appeal itself is taken up for final disposal.

At the outset it is to be noticed that this appeal is being coming up for admission against the order, dated 20.10.1997, passed in WP.No.5272 of 1989, filed by the respondent herein, which is allowed long back on 20.10.1997. In the said writ petition the respondent herein sought for a direction to absorb him as a Driver in a regular vacancy and calling for the records.

The learned Single Judge, after going through the respective submissions made by the counsel on either side, the claim of the petitioner and especially the objection in regard to the absence of recommendation through the employment exchange, allowed the writ petition duly relying on the decision of the Apex Court in *EXCISE SUPERINTENDENT v. K.B.N. VISWESWARA RAO*.

The learned Standing Counsel appearing for the appellants submits that though they have raised several objections in the counter, the same have not been taken into consideration and in the absence of counsel, no such order would have been passed.

Having regard to the submissions made by the counsel on either side, we are satisfied that the learned judge after taking into consideration the principle objections raised in the counter affidavit with regard to the requirement of recommendation from the employment exchange and relying on the decision of the Apex Court, allowed the writ petition. However, having regard to the long lapse of time and as the respondent is continuing in service, we do not find any justification or indulgence to entertain the writ appeal at this later stage.

Accordingly, the writ appeal is dismissed. No costs.

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B. PRAKASH RAO, J

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P. LAKSHMANA REDDY, J

Date: 24.01.2006

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